

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
DELUX PUBLIC CHARTER, LLC d/b/a JSX :
AIR and JETSUITEX, INC.; XO GLOBAL,
LLC; and BLADE URBAN AIR MOBILITY, :
INC., :

Plaintiffs,

-against-

COUNTY OF WESTCHESTER, NEW YORK, :
a charter county; APRIL GASPARRI, in her :
official capacity as AIRPORT MANAGER; and :
AVPORTS, LLC, :

Defendants. .

----- X

INDEX NO. 7:22-cv-01930-PMH

**~~PROPOSED~~ CIVIL CASE DISCOVERY
PLAN AND SCHEDULING ORDER**

This Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel and any unrepresented parties, pursuant to Fed. R. Civ. P. 16 and 26(f):

1. All parties do not consent to conducting all further proceedings before a Magistrate Judge, including motions and trial, pursuant to 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences.
2. This case is to be tried to a jury.
3. Amended pleadings may not be filed and additional parties may not be joined except with leave of the Court. Any motion to amend or to join additional parties shall be filed by August 18, 2022.
4. Initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) shall be completed by July 28, 2022.
5. Fact Discovery
 - a. All fact discovery shall be completed by January 27, 2023.
 - b. Initial requests for production of documents shall be served or deemed served by July 21, 2022.
 - c. Initial interrogatories shall be served or be deemed served by July 21, 2022, and, to the extent permitted by the Local Rules, all other interrogatories shall be served by October 26, 2022.

- d. Non-expert depositions shall be completed by January 13, 2023.
- e. Requests to admit shall be served by January 13, 2023.
- f. Any of the interim deadlines in paragraphs 5(b) through 5(e) may be extended by the written consent of all parties without application to the Court, provided that all fact discovery is completed by the date set forth in paragraph 5(a).


6. Expert Discovery

- a. All expert discovery, including expert depositions, shall be completed by March 13, 2023.
 - b. Initial expert disclosures pursuant to Fed. R. Civ. P. 26(a)(2) shall be made by December 13, 2022.
 - c. Rebuttal expert disclosures pursuant to Fed. R. Civ. P. 26(a)(2) shall be made by January 12, 2023.
 - d. The interim deadlines in paragraphs 6(b) and 6(c) may be extended by the written consent of all parties without application to the Court, provided that all expert discovery is completed by the date set forth in paragraph 6(a).
7. Additional provisions required by Fed. R. Civ. P. 26(f) and agreed upon by the parties are attached hereto and made a part hereof.
8. ALL DISCOVERY SHALL BE COMPLETED BY March 13, 2023.
9. The parties shall file a joint letter concerning settlement/mediation by February 10, 2023.
10. a. Counsel for the parties have already participated in an early exchange of information in aid of an early settlement of this case through both settlement meetings and preliminary motion practice.
- b. Counsel for the parties have discussed the use of the following alternate dispute resolution mechanisms for use in this case: (i) a settlement conference before a Magistrate Judge; (ii) participation in the District's Mediation Program; and/or (iii) retention of a privately retained mediator. If further alternate dispute resolution is deemed to be productive by the parties, counsel for the parties propose the following alternate dispute resolution mechanism for this case: Retention of a privately retained mediator.
- c. To the extent alternate dispute resolution is used, counsel for the parties recommend that the alternate dispute resolution mechanism designated in paragraph b, be employed after the close of fact discovery.

- d. The use of any alternative dispute resolution mechanism does not stay or modify any date in this Order.
11. All motions and applications shall be governed by the Court's Individual Practices, including the requirement of a pre-motion conference before a motion for summary judgment is filed.
12. Unless otherwise ordered by the Court, within 30 days after the date for the completion of discovery, or, if a dispositive motion has been filed, within 30 days after a decision on the motion, the parties shall submit to the Court for its approval a Joint Pretrial Order prepared in accordance with the Court's Individual Practices. The parties shall also comply with the Court's Individual Practices with respect to the filing of other required pretrial documents.
13. The parties have conferred and their present best estimate of the length of the trial is ten (10) days.
14. This Civil Case Discovery Plan and Scheduling Order may not be modified or the dates herein extended without leave of the Court or the assigned Magistrate Judge acting under a specific order of reference (except as provided in paragraphs 5(f) and 6(d) above).
15. The Magistrate Judge assigned to this case is the Honorable Judith C. McCarthy.
16. If, after the entry of this Order, the parties consent to trial before a Magistrate Judge, the Magistrate Judge will schedule a date certain for trial and will, if necessary, amend this Order consistent therewith.
17. The next case management conference is scheduled for 3/27/2023 at 10:00 a.m..
18. The dates set forth herein will not be extended absent a showing of good cause.

Dated: July 21, 2022, ~~2023~~
White Plains, New York

SO ORDERED:



Philip M. Halpern
United States District Judge